

FRENCH INDO-CHINA

able, supple, and swift, but they offer no guarantee of colonial rights. In addition, they violate the sacrosanct principle of the separation of powers on which French law is based. But the practical considerations have made the decree regime triumph over any theoretical objections. It has also the advantage of retaining the principle of legislation appropriate to each colony. On the other hand, there is the danger of instability and incoherence in being so arbitrary, and all the evils of excessive centralization. To offset this, certain representative bodies, like the *Cornell Swpmeur des Colomes*, were created, but their function is purely advisory, and it is only lip-service to republican ideals.

The cross-breeding of the past with current exigencies has given Indo-China a mongrel judicial character. Cochin-China is a bona fide colony: Annam and Cambodia genuine protectorates: but Tonkin is a monster of public law, which falls into no known legal category. The French concessions of Hanoi, Haiphong, and Tourane are administered like colonies, though juridically they are Protectorates. Certain provinces of Cambodia—Battambang, Sisophon, and Siemreap—axedejure colonies but *de facto* Protectorates. The Kingdom of Luang-Prabangis in practice a Protectorate, but not legally recognized as such, whereas the former Kingdoms of Tran-ninh, Vientiane, and Bassac are factual colonies from the administrative viewpoint, but Protectorates before the law.

The confusion in the delegation of colonial legislative powers is matched only by their juridical set-up. Although legally illogical, the decrees issued by the head of the state constitute veritable laws in the colony. The contradictions and confusion are particularly felt in both factual and legal protectorates where there is an ill-defined division of

sovereignty. Practical necessities have regularly triumphed over juridical scruples, but the general interests would be better served by a permanent and defining of this eternal duality in the sources and scope of law, la the fusion between the multiple legislators—Parliament, the President of the Republic, the Minister of the Colonies, the Governor-General of **Indo-China**. and the local Governors—the *Congress* **flag** has tried to the role of both arbiter and policeman, but the best road in **the** world **cannot** remedy the basic defects in the system. Therefore one pleads that it has not as yet prevented **Indo-China** nor does such anarchy repel the Asiatic mind, yet the **of political** morality, juridical logic, **and** **the rigour of** decrees and the juridical statutes **of the Empire** be reformed. Up to the **of the** Congress was a branch **of the**